

Megan Dailey Bar No. 221574  
Law Office of Megan Dailey  
1300 Clay Street Suite #600  
Oakland, CA 94612  
Telephone: (510) 622-7744  
Facsimile: (510) 622-7745

Attorney for Richard Zevallos,  
Sulma Yudi Zevallos

**FILED**

NOV 12 2009

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND

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**UNITED STATES DISTRICT COURT  
Northern District of California**

Case No

**C09-05334**

COMPLAINT FOR:

VIOLATION of FAIR CREDIT BILLING  
ACT 15 U.S.C. § 1666; 15 U.S.C.  
§ 1666(a); VIOLATION OF SECTION  
17200 OF THE CALIFORNIA BUSINESS  
AND PROFESSIONS CODE

Date Filed:  
Trial Date: None set

Richard Zevallos, an individual, Sulma  
Yudi Zevallos, an individual

Plaintiffs,

v.

Citibank (South Dakota), N.A., Citicorp  
Credit Services, Inc. (USA), Sears  
Gold MasterCard,

Does 1 - 50,  
Defendants.

Plaintiffs Richard Zevallos, an individual, and Sulma Yudi Zevallos, an  
individual, (hereafter "Plaintiffs") hereby alleges as follows:

**JURISDICTION**

1. This is an action for damages for violation of the provisions of the  
Fair Credit Billing Act, 15 U.S.C. § 1666 et seq. and Section 17200 of the  
California Business and Professions Code. The jurisdiction of this court is  
invoked under 28 U.S.C. § 1331, 1337, 1367.

GO 44 SEC. N  
NOTICE OF ASSIGNMENT  
TO MAGISTRATE JUDGE SENT

**PARTIES**

2. Plaintiff Richard Zevallos is an individual residing in Berkeley, California.

3. Plaintiff Sulma Yudi Zevallos is an individual residing in Berkeley, California.

4. Defendant Citibank (South Dakota), N.A., is a National Bank with corporate offices located in South Dakota. Sears Gold Mastercard is an operating subsidiary and/or a registered trademark of Citibank (South Dakota), N.A. with their principal place of business unknown. Defendant Citicorp Credit Services, Inc. (USA) is a Delaware Corporation registered to do business in California as corporation number C2564617 in the files of the Secretary of State of California and a loan servicing company for Defendants Citibank (South Dakota), N.A. and Sears Gold MasterCard. All Defendants regularly conduct business, and at all times relevant hereto regularly conducted business, in the Northern District of California.

5. Plaintiffs are unaware of the true names, identities or capacities of Defendants DOES 1 through 50, or any of them, and for this reason said Defendants are sued herein by such fictitious names. When Plaintiffs ascertain the true names, identities and capacities, whether corporate, individual, associate or otherwise, of Defendants DOES 1 through 50, or any of them, Plaintiffs will amend this complaint to allege the same. Plaintiffs are informed and believe and thereon allege that at all times relevant to the facts alleged herein, each such fictitiously named defendant was responsible in some manner for the acts, occurrences, happenings and/or omissions hereinafter alleged.

**CLAIM FOR RELIEF**

6. Plaintiffs are "consumers" within the meaning of 15 U.S.C. § 1602(h).

1 7. Defendants are "creditors" within the meaning of 15 U.S.C. §  
2 1602(f)(2).

3  
4  
5 **FIRST CAUSE OF ACTION**

6 Violation of 15 U.S.C. § 1666

7 (Against All Defendants)

8 8. Plaintiffs re-allege and reincorporate each and every allegation  
9 contained in all previous paragraphs of all previous sections and Causes of  
10 Action this Complaint, inclusive, as though fully set forth herein.

11 9. On or about November 13, 2008, Mr. Zevallos registered with Ritchie  
12 Bros. Auctioneers (America) Inc. (a Washington Corporation registered to do  
13 business in California as Corporation No. C2059526 in the files of the Secretary  
14 of State for California) (hereafter "RBAA") for an on-line auction occurring over  
15 a two-day period beginning on November 13, 2008 and continuing until November 14,  
16 2008. The registration required plaintiff to provide a credit card for a \$15,000  
17 authorization (hereafter "bid deposit"). Plaintiff provided two credit cards and  
18 allowed RBAA to obtain authorizations for charges of \$10,000 and \$5,000 against  
19 his accounts.

20 10. During the auction plaintiff accidentally placed a bid on Lot 1190 -  
21 2000 Freightliner FLD12064ST TRI/A Dump Truck, Serial No. 1FUVDSEB1YPB82514  
22 (hereafter "Dump Truck") in the amount of \$25,000 by unintentionally clicking a  
23 computer mouse and selecting the \$25,000 bid-box. (A copy of the auction listing  
24 for this item is attached hereto as Exhibit A.) Plaintiff immediately contacted  
25 RBAA and informed them of this error by telephone prior to the conclusion of the  
26 auction by speaking with three employees and/or agents of RBAA, including one  
27 person who represented himself to be a supervisor and another who represented  
28 himself to be the Regional Manager, Nick Nicholson. Mr. Nicholson verbally  
agreed to reverse the authorizations in this phone conversation and to provide a

1 cancellation number(s) and also stated he would suspend plaintiff's auction  
2 account. On November 18, 2008, four days later, Plaintiff was notified by his  
3 credit card companies that RBAA had converted the authorizations totaling \$15,000  
4 against his credit card accounts to charges. That day, plaintiff e-mailed Mr.  
5 Nicholson re-iterating his complaint regarding the charges, but he received no  
6 response. His account was suspended by RBAA.

7 11. The \$5,000 charge was reversed by plaintiff's Wells Fargo credit card  
8 company, but the \$10,000 charge was never reversed by Defendants.

9 12. RBAA never delivered the Dump Truck to plaintiff. RBAA resold the  
10 item at a later auction.

11 13. On December 2, 2008, plaintiff wrote to Citibank (South Dakota), N.A.  
12 dba Sears Gold MasterCard and disputed the \$10,000 charge and provided the full  
13 details of the dispute by first-class mail, return receipt requested. A copy of  
14 this correspondence is hereto attached as Exhibit B.

15 14. On December 13, 2008, Citibank (South Dakota), N.A. dba Sears Gold  
16 MasterCard responded and requested additional information from plaintiff pursuant  
17 to the correspondence attached hereto as Exhibit C.

18 15. On January 23, 2009, Citibank (South Dakota), N.A. dba Sears Gold  
19 MasterCard resolved the matter by allowing the \$10,000 charge to stand and closed  
20 their investigation pursuant to the correspondence attached hereto as Exhibit D.

21 16. On February 21, 2009, plaintiff wrote Citibank (South Dakota), N.A.  
22 dba Sears Gold MasterCard by facsimile and certified mail again providing  
23 additional details regarding the dispute pursuant to correspondence attached  
24 hereto as Exhibit E.

25 17. On April 29, 2009, plaintiff wrote Citibank (South Dakota), N.A. dba  
26 Sears Gold MasterCard by certified mail, return receipt requested, again  
27 disputing the \$10,000 charge and requesting relief pursuant to the correspondence  
28 attached hereto as Exhibit F.

1 18. On May 13, 2009, Citibank (South Dakota), N.A. dba Sears Gold  
2 MasterCard rejected plaintiff's dispute as untimely, pursuant to the  
3 correspondence attached hereto as Exhibit G.

4 19. Defendants failed to stop collection procedures and/or reverse the  
5 charge despite this billing dispute, as evidenced by the collection  
6 correspondence attached hereto as Exhibit H.

7 20. Defendants have caused derogatory credit reports to be filed against  
8 Plaintiffs with credit reporting companies.

9 21. Defendants did not send a written correction or clarification to  
10 Plaintiffs substantiating the account of Defendants for the \$10,000 charge in  
11 question.

12 22. Defendants also failed to determine that the Dump Truck was actually  
13 delivered to Plaintiffs.

14 23. And Defendants failed to send a statement to Plaintiffs of any such  
15 determination that the Dump Truck was actually delivered to Plaintiffs.

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17  
18 **SECOND CAUSE OF ACTION**

19 Violation of 15 U.S.C. § 1666(a)

20 (Against All Defendants)

21 24. Plaintiffs re-allege and reincorporate each and every allegation  
22 contained in all previous paragraphs of all previous sections and Causes of  
23 Action of this Complaint, inclusive, as though fully set forth herein.

24 25. Defendants have reported Plaintiffs' Sears Gold MasterCard account  
25 standing as delinquent to credit reporting companies without sending a written  
26 correction or clarification to Plaintiffs substantiating the account of  
27 Defendants, determining that the Dump Truck was actually delivered to Plaintiffs,  
28

1 and sending a statement to Plaintiffs of any such determination that the Dump  
2 Truck was actually delivered to Plaintiffs.

3 26. Defendants have reported Plaintiffs' Sears Gold MasterCard account  
4 standing as delinquent without also reporting that this account is in dispute.

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8 **THIRD CAUSE OF ACTION**

9 **UNFAIR BUSINESS PRACTICES**

10 In Violation of Section 17200 et seq. of the California Business and Professions  
11 Code

12 (Against All Defendants)

13 27. Plaintiffs re-allege and reincorporate each and every allegation  
14 contained in all previous paragraphs of all previous sections and Causes of  
15 Action this Complaint, inclusive, as though fully set forth herein.

16 28. On or about January 23, 2009 and continuing thereafter, Defendants,  
17 as a part of their business practices, violated the Fair Credit Billing Act  
18 (FCBA) 15 U.S.C. § 1666 et seq. as set forth above in the First and Second Causes  
19 of Action.

20 29. Defendants have a business practice of shifting the burden to  
21 substantiate disputed credit card charges to the consumer, whereas the FCBA  
22 requires creditors to meet an affirmative duty of investigating disputed claims,  
23 making specific determinations where the delivery of goods is concerned, and  
24 serving written communication of such determinations on the consumer. The  
25 current business practice of Defendants is unlawful and violates Federal and  
26 California law as alleged herein. Further, Defendants, and each of them, knew  
27 that their business practices were unlawful.

28 30. Pursuant to Sections 17200 et seq. of the California Business and  
Professions Code, unfair business practices include any unlawful, unfair or

1 fraudulent business practice. The unlawful conduct of Defendants as alleged  
2 herein is an unlawful practice within the provisions of Sections 17200 et seq. of  
3 the California Business and Professions Code, and, accordingly, constitutes a  
4 violation of Sections 17200 et seq. of the California Business and Professions  
5 Code.

6 31. As a direct and proximate result of the unfair business practices of  
7 Defendants as herein alleged, Plaintiffs have incurred damages in that Plaintiffs  
8 have lost available credit and lost opportunities to refinance a home mortgage  
9 and purchase real estate, suffered derogatory credit reports, emotional distress,  
10 incurred general damages in the amount of \$10,000 plus interest, finance charges,  
11 and late payment penalties, plus attorneys fees and costs, all by reason of which  
12 Plaintiffs have been damaged in at least the sum in excess of the jurisdictional  
13 amount of this Court, plus attorneys fees and costs, and additional amounts  
14 according to proof at time of trial, including exemplary and punitive damages.  
15 Accordingly, plaintiff is entitled to restitution and damages in a sum of not  
16 less than \$60,000 plus interest, attorneys' fees and costs, and a mandatory  
17 injunction requiring defendants to reverse derogatory consumer credit reports.  
18  
19  
20

#### 21 PRAYER FOR RELIEF

22 WHEREFORE, Plaintiffs pray for judgment as follows on all claims for relief:

23 1. For jury trial, general damages in the amount of \$60,000, according  
24 to proof at time of trial;

25 2. For exemplary and punitive damages;

26 3. For interest in an amount according to proof at time of trial;

27 4. For injunctive relief mandating Defendant to reverse negative  
28 consumer credit reports;

4. For attorneys' fees and costs;



1 5. For such other and further relief as this court may deem just and  
2 proper.

3  
4 DATED: November 11, 2009

5 Law Office of Megan Dailey

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7  
8 By: 

9 Attorney for Plaintiffs  
10 Richard Zevallos,  
11 Sulma Yudi Zevallos  
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## Full Views

HOUSTON, TX

14218 I-10 EAST HWY, HOUSTON

Phone: 713.455.5200, Fax: 713.455.5270

Thursday, November 13, 2008 To Friday, November 14, 2008

Search Trucks - Dump (Tri/A) in all upcoming auctions

Search all equipment in HOUSTON, TX auction

### Lot #1190

2000 - FREIGHTLINER FLD12064ST TRI/A DUMP TRUCK

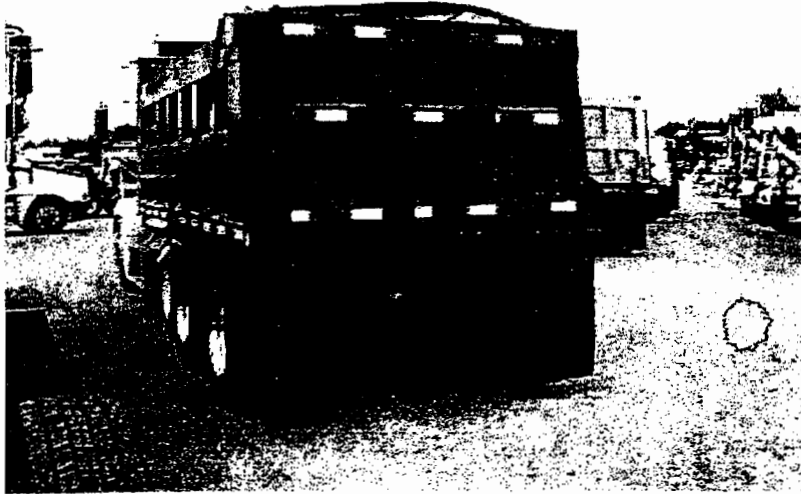
**Serial number:** 1FUJDSEB1YPB82514

**Comes with:** Detroit Series 60 470 hp, eng brake, 10 spd, dbl frame, air lift 3rd, 234 in. WB, 16 ft box

2

[Next](#)

[Prev](#)



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2



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4



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[ABOUT RITCHIE BROS.](#) | [CONTACT US](#) | [PRIVACY STATEMENT](#) | [SITE MAP](#) | [HOME](#)

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Ex. A

12-2-08

From: Richard Zerkles.

To: Sears Cold MasterCard  
Attention Sears Billing Dep.

5 pages Included this.

P/s. tell me, and let me know that.  
you received this documents.

Thank you Richard Zerkles.

Cell # 510-703-1622

Sears Cardmember Services  
P.O. Box 6286  
Sioux Falls, SD 57117-6286

November 19, 2008

5498

RICHARD N ZEVALLOS  
1614 HARMON ST  
BERKELEY CA 94703-2622

Account Number:  
5121-0717-7597-1298

|||||

Dear RICHARD N ZEVALLOS:

This letter is regarding your inquiry about the transaction dated 11/14/2008 in the amount of \$10000.00 made at RITCHIE BROS. AUCTIONE with account number 5121071775971298.

Please assist us with this investigation for \$10000.00 by promptly reviewing, completing, and returning the following information within 10 days of your receipt of this letter. If we do not receive your response, we will assume the charge is correct and rebill your account.

An important first step to resolving this matter is for you to attempt to contact the merchant. Then complete the following:

*I did intend to request service, but there was never a purchase.*  
"I expected to receive service on 11/13/08 (date). This service was never received. I contacted the merchant on 11/13/08 (date) requesting a credit to my account. The results were (CHECK ONE): pls. see attached letter.

☐ I received the attached credit slip." (Must include with reply.)

☐ I contacted the merchant on the above date and they stated they would credit my account for the service I did not receive."

☐ The merchant stated that they would not issue credit because

*11/14/08*  
\* ☒ I was unable to contact the merchant." Explain how you attempted to contact the merchant and why you were unsuccessful. *I made phone calls, send emails, letter to Ritchie Bros Auctioners, but all I received was that same one. I'll call you on Friday 11/21/08. They never called me back. There was no solution to this.*

In addition to indicating the appropriate statement above, please state the full details of your dispute including what service(s) you expected to receive from the merchant.

*Disputing the charges made to this credit card. I never intentionally purchased item or Lot #1190. It was an accident.*

Signature Richard Zevallos Date 12/01/08

*Home/cel. (510) 652-3808  
call (510) 703-1622*

*pls. see letter  
I've send to the  
merchant; they never  
responded.*

0/LR/S44434/001/00/00/00/0000/00000000/F2008111900001654/5498



A conditional credit has been issued to your account while we investigate this matter on your behalf. Please respond within the next 10 days to:

— Sears Gold MasterCard  
— P.O. Box 6922  
— The Lakes, NV 88901

Sincerely,

Sears Cardmember Services  
1-800-669-8488

Fax # (702) 797-4813

ATTENTION to: Sears  
billing Dep.

This account is issued by Citibank (South Dakota), N.A.

FEDERAL REGULATIONS REQUIRE THE STATEMENT PRINTED ON THE REVERSE SIDE



Postmark Receipt  
 LETER. Certified

12/12/2008 06:30:37  
 0093  
 275-8777

Product Description	Sale Qty	Unit Price	Final Price
DES MOINES IA 50305 Zone-7 First-Class Letter 0.80 oz. *** Return Rpt (Electronic) Certified Label #. 70081830000194423518			\$0.42        \$2.70 =====
Issue PVI:			\$4.12
THE LAKES NW 83901 Zone-4 First-Class Letter 0.80 oz. *** Return Rpt (Electronic) Use label # 70081830000194423525 for inquiry on Return Receipt (Electronic). Certified Label #. 70081830000194423525			\$0.42        \$1.00    \$2.70 =====
Issue PVI:			\$4.12

Total: \$8.24

Paid by:  
 Debit Card \$26.24  
 XXXXXXXXXXXXXXX8028  
 004176  
 Debit Card Chase  
 Cash Back \$20.00

\*\*\* IMPORTANT: For Return Receipt  
 (Electronic), wait one day, go to  
 www.usps.com; select Track & Confirm;  
 enter label number(s); select 'Request  
 Return Receipt (Electronic)'; enter your  
 name and email address. Please make your  
 request within 60 days.

Order stamps at USPS.com/shop or call  
 1-800-Stamp24. Go to USPS.com/clicknship  
 to print shipping labels with postage.  
 For other information call 1-800-ASK-USPS.

Bill #: 1000701906108  
 Clerk: 43

All sales final on stamps and postage  
 Refunds for guaranteed services only  
 Thank you for your business

PICK UP  
 RECYCLING  
 Use an envelope to hold your inkjet  
 cartridge, cell phone or small electronics  
 free of charge!

HELP US SAVE

Ex. Bp. 4

[Home](#) | [Help](#) | [Sign In](#)[Track & Confirm](#)[FAQs](#)

## Track & Confirm

### Search Results

Label/Receipt Number: 7008 1830 0001 9442 3525  
Status: Acceptance

Your item was accepted at 6:28 pm on December 02, 2008 in OAKLAND, CA 94615. A proof of delivery record may be available through your local Post Office for a fee.

Additional information for this item is stored in files offline.

### Track & Confirm

Enter Label/Receipt Number.

[Go >](#)[Restore Offline Details >](#)[Return to USPS.com Home >](#)[Site Map](#)[Contact Us](#)[Forms](#)[Gov't Services](#)[Jobs](#)[Privacy Policy](#)[Terms of Use](#)[National & Premier Accounts](#)

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No FEAR Act EEO Data

FOIA





**Sears® Gold MasterCard**Sears Cardmember Services  
P.O. Box 6286  
Sioux Falls, SD 57117-6286

December 13, 2008

5020  
RICHARD N ZEVALLOS  
1614 HARMON ST  
BERKELEY CA 94703-2622

Dear RICHARD N ZEVALLOS:

We've received your inquiry concerning the disputed charge of \$10000.00 from RITCHIE BROS. AUCTIONE on your account.

So that we can continue to assist you, please provide the following additional information:

- The date cancelled and cancellation number
- Explanation of the merchant's cancellation policy
- Details or explanation of dispute along with any supporting documentation if available

Please send the requested information within the next 10 days to:

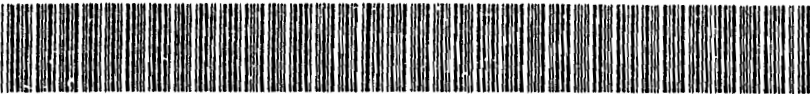
Sears Gold MasterCard  
P.O. Box 6922  
The Lakes, NV 88901

If we do not receive your response, we will consider this matter resolved and close our investigation.

If you have additional questions about your account, our Cardmember Service Representatives are available to assist you at the number below, 24 hours a day, seven days a week.

We appreciate your business and thank you for being a Sears Gold MasterCard Cardmember.

Sincerely,

Sears Cardmember Services  
1-800-669-8488This account is issued by Citibank (South Dakota), N.A.  
FEDERAL REGULATIONS REQUIRE THE STATEMENT PRINTED ON THE REVERSE SIDE

R/S44449/001/00/00/00/0000/00000000/F2008121300000861/5020



January 23, 2009

6750

Account Number:  
XXXX-XXXX-XXXX-1298

U.S. DEPARTMENT OF AGRICULTURE

We've received your inquiry concerning the disputed charge of \$10000.00 from RITCHIE BROS. AUCTIONE on your account.

We recently requested that you provide additional information or documentation to allow us to begin an investigation. Because we have not received the requested information, we now consider this matter resolved and have removed the previously issued conditional credit from your account. This adjustment will appear on your statement within two billing periods.

It is important to note that your account may be reported as delinquent to the consumer reporting agencies listed below if we do not receive payment on this charge by your remittance of at least the minimum amount due by the payment due date shown on your billing statement.

Experian P.O. Box 2002 Allen, TX 75013-0036 1-888-EXPERIAN (1-888-397-3742)	Equifax Credit Information Service P.O. Box 740241 Atlanta, GA 30374-0241 1-800-685-1111	Trans Union LLC, Consumer Relations Center P.O. Box 1000 Chester, PA 19022 1-800-888-4213
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If you have additional questions about your account, our Cardmember Service Representatives are available to assist you at the number below, 24 hours a day, seven days a week.

We appreciate your business and thank you for being a Sears Gold MasterCard Cardmember.

Sincerely,

**Sears Cardmember Services**  
1-800-669-8488

This account is issued by Citibank (South Dakota), N.A.  
FEDERAL REGULATIONS REQUIRE THE STATEMENT PRINTED ON THE REVERSE SIDE

Sears MasterCard Billing Dispute Dept.  
PO Box 6282  
Sioux Falls, SD 57117

February 21, 2009

Dear Billing Dispute Manager:

I am writing to dispute a charge on my Sears Gold MasterCard account. On November 14, 2008 I was attempting to view trucks from Ritchie Brothers Auctioneers in an on-line auction. This was my first time at their site and I was unfamiliar with the process. Several factors contributed to accidentally buying a truck. These included working with someone from the company to figure out the technology of how to connect with their bidding system, the reception was breaking in and out and at one point my coffee cup accidentally hit the mouse and I was told that I had purchased a truck. I immediately called the auctioneer and talked to Alan Micbiker (not sure spelling), the supervisor that day, and told him of the accidental bid and not to charge my credit card. He said to call Nick Nicolson, the Regional Manager. I then called Mr. Nicolson, and explained what happened and asked that he reverse charges on my credit card. He said he would reverse the charges but would suspend my account indefinitely and he would call back by Friday with a cancellation number, which he failed to do. I sent him an email on November 18, 2008, but he never responded (a copy is enclosed). He did suspend my account and so I have no access to communicate with the company.

My request of is to please reverse the charges to my Sears Gold MasterCard account. I sent a fax on December 2, 2008 and sent certified letter, number 7008 1830 0001 9442 3525 on the same date. I received a letter that you received this letter on December 13, 2008. I am not a native English speaker and I did not fully understand the letter requesting information and I am late in getting back to you, I apologize. A friend is helping me with the translation of this letter.

To answer your request on the letter:

1. I cancelled verbally on November 14, 2008, on November 18, 2008 I sent the email cancelling but I never received a cancellation number.
2. At this moment I do not have a copy of the merchant's cancellation policy
3. The details of this letter and the copies of the supporting documents are enclosed in

Ex. E p. 1

this letter as you requested.

Please let me know if there is anything else I need to provide for you. At this point the dispute is not settled and I do not have a truck from Ritchie Bros Auctioneers, only a charge on my credit card. I would appreciate it if you could reverse the charges as soon as possible.

Sincerely,

Richard Zevallos  
1614 Harmon Street  
Berkeley, CA 94703

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

*Sears GoldMaster Card.*  
*P.O. Box 6282*  
*Siox Falls SD 57117-6282*

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

☒ Agent  
☐ Addressee

B. Received by (Printed Name) \_\_\_\_\_ Date of Delivery \_\_\_\_\_

D. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☐ No

FFR 23 7009

3. Service Type

- ☒ Certified Mail    ☐ Express Mail  
☐ Registered    ☐ Return Receipt for Merchandise  
☐ Insured Mail    ☐ C.O.D.

4. Restricted Delivery (Return Card)

☐ Yes

2.

Pl.

102595-02-M-1540

Richard N. Zevallos  
c/o Legal Experts  
3230 Fruitvale Avenue  
Oakland, CA 94602

April 29, 2009

Sears MasterCard Billing Dispute Dept.  
PO Box 6282  
Sioux Falls, SD 57117

To Whom It May Concern:

My name is Richard N. Zevallos and I am writing to you concerning a serious matter regarding my credit card account with your company. I will briefly summarize my current dispute.

On November 14, 2008 I placed a \$15,000 deposit to access the auction online. Several factors contributed to my accidently purchasing a truck online from Ritchie Brothers Auctioneers. I spoke with the manager of Ritchie Brothers Auctioneers, Mr. Allen and he did not want to give me a refund on the \$15,000 deposit I charged on two credit cards to access their online service. On November 18, 2008 I sent a letter to Mr. Nick Nicolsan which is enclosed. Mr. Nicolsan informed me by phone he would suspend my membership and reverse the charges. He suspended my membership and did not talk to me anymore, but he did not reverse the charges. I do not have access to communicate with online, I have attached a copy of that letter. I disputed the \$5,000 charge with Wells Fargo and they promptly removed the charges after their investigation. I am attaching the letter from Wells Fargo dated February 17, 2009 confirming this. On the same day of December 2, 2008, I sent a letter to Wells Fargo and also to your company disputing the \$10,000 charged on the Sears Gold Mastercard. I am attaching my receipt and Certified Return Receipts from the US Post office confirming this. However, your company claims you did not receive it even though I have a letter from your office saying you did. I have sent you letters more than once and your office has claimed by telephone that you did not receive them. I am sending copies of these letters, your responses and the tracking numbers from the US Post Office Certified Letters.

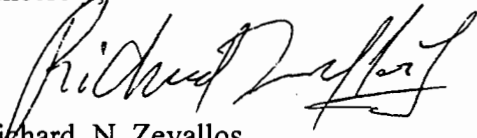
Ex. F p. 1

Page 2 of 2  
April 29, 2009

I am a very busy man as the father of 3 children and a US Citizen, however, English is my second language. For these reasons, I have enlisted the help of my associate and now I am receiving legal assistance with this matter. It is confusing and difficult for me to understand how Wells Fargo was able to resolve this issue but at the same time all you have done is ask me to send information to three different offices.

As per the request of your agent, George, ID# VCI0515, I am sending this letter to you respectfully requesting that you continue your investigation and assist me in getting my money back and reversed the charges from Ritchie Brothers Auctioneers immediately. I am going to send carbon copies of this letter to each of the three offices that you asked me to send information to. I am asking that you contact me at the above address or by calling me at (510) 652-3808 or (510) 703-1622. If you cannot do this I will be forced to pursue other legal options.

Sincerely,

  
Richard N. Zevallos  
Enclosures

Cc:

Sears Cardmember Services  
PO Box 6286  
Sioux Falls, SD 57117-6286



Sears Gold MasterCard  
PO Box 6922  
The Lakes, NV 88901

Ex. Fp.2



U.S. Postal Service<sup>TM</sup>  
**CERTIFIED MAIL<sup>TM</sup> RECEIPT**  
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

Postage	\$	\$0.96	0020
Certified Fee		\$2.70	
Return Receipt Fee (Endorsement Required)		\$2.20	
Restricted Delivery Fee (Endorsement Required)		\$0.00	
Total Postage & Fees	\$	\$5.86	

Sent To: *Sears Gold Master Card*  
 Street, Apt. No., or PO Box No.: *PO Box 6922*  
 City, State, ZIP+4: *The Lakes, NV 88901*

PS Form 3800, August 2006 See Reverse for Instructions

U.S. Postal Service<sup>TM</sup>  
**CERTIFIED MAIL<sup>TM</sup> RECEIPT**  
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

Postage	\$	\$0.96	0020
Certified Fee		\$2.70	
Return Receipt Fee (Endorsement Required)		\$2.20	
Restricted Delivery Fee (Endorsement Required)		\$0.00	
Total Postage & Fees	\$	\$5.86	

Sent To: *Sears Master Card Billing Dispute*  
 Street, Apt. No., or PO Box No.: *PO Box 6282*  
 City, State, ZIP+4: *Sioux Falls SD 57117*

PS Form 3800, August 2006 See Reverse for Instructions

OAKLAND MPO  
 OAKLAND, California  
 946159719  
 0555110020 -0097  
 04/29/2009 (800)275-8777 06:26:47 PM

Product Description	Sales Receipt Sale Qty	Unit Price	Final Price
SIoux FALLS SD 57117			\$0.76
Zone-6 First-Class Letter			
2.60 oz.			
Nonmach First-Class			\$0.20
Return Rcpt (Green Card)			\$2.20
Certified			\$2.70
Label #:	70090080000231974510		
Issue PVI:			\$5.86
THE LAKES NV 88901			\$0.76
Zone-4 First-Class Letter			
2.40 oz.			
Nonmach First-Class			\$0.20
Return Rcpt (Green Card)			\$2.20
Certified			\$2.70
Label #:	70090080000231974503		
Issue PVI:			\$5.86

Total: \$11.72

Paid by: Visa \$11.72

Account #: XXXXXXXXXXXX1404  
 Approval #: 343420  
 Transaction #: 970  
 23 903350635

Order stamps at [USPS.com/shop](http://USPS.com/shop) or call 1-800-Stamp24. Go to [USPS.com/clicknship](http://USPS.com/clicknship) to print shipping labels with postage. For other information call 1-800-ASK-USPS.

Bill #: 1000301899356  
 Clerk: 13

All sales final on stamps and postage  
 Refunds for guaranteed services only  
 Thank you for your business

\*\*\*\*\*  
 \*\*\*\*\*

PICK UP A FREE  
 RECYCLING ENVELOPE

Take an envelope to recycle your inkjet cartridge, cell phone or small electronics free of charge!

\*\*\*\*\*  
 \*\*\*\*\*

\*\*\*\*\*  
 \*\*\*\*\*

HELP US SERVE YOU BETTER

Go to: <http://gx.gallup.com/pos>

TELL US ABOUT YOUR RECENT  
 POSTAL EXPERIENCE

YOUR OPINION COUNTS

\*\*\*\*\*  
 \*\*\*\*\*

Customer Service Ex.F p.3



PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:  
*Sears MasterCard  
 Billing Dispute Pcp.  
 PO Box. 6282  
 Sioux Falls SD.  
 57117*

2. Article Number  
 (Transfer from service label) 7009 0080 0002 3197 4510

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature JIM DONELAN ☐ Agent ☒ Addressee

B. Received by (Printed Name) \_\_\_\_\_ C. Date of Delivery MAY 04 2009

D. Is delivery address different from item 1? ☐ Yes  
 If YES, enter delivery address below: ☐ No

3. Service Type  
☒ Certified Mail ☐ Express Mail  
☐ Registered ☐ Return Receipt for Merchandise  
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

U.S. Postal Service™  
**CERTIFIED MAIL™ RECEIPT**  
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

SOUTH LAKE TAHOE CA 96150

Postage	\$ 40.42
Certified Fee	\$ 7.70
Return Receipt Fee (Endorsement Required)	\$ 2.70
Restricted Delivery Fee (Endorsement Required)	\$ 0.00
Total Postage & Fees	\$ 50.82

Postmark Here

Sent to Superior Courts Lake Tahoe  
 Street, Apt. No., or PO Box No. 1354 Johnson Blv. Ste 2  
 City, State, ZIP+4 \_\_\_\_\_

PS Form 3800, August 2006 See Reverse for Instructions

Ex Fp.4

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

## 1. Article Addressed to:

*Sears Gold MasterCard*  
*Po Box. 6922*  
*The lakes NV. 88901*

2. Article Number  
(Transfer from service label)

7009 0080 0002 3197 4503

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

**COMPLETE****DELIVERY**

## A. Signature

X  ☐ Agent  
☒ Addressee

## B. Received by (Printed Name)

## C. Date of Delivery

D. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☐ No

MAY 05 2009

## 3. Service Type

☒ Certified Mail ☐ Express Mail  
☐ Registered ☐ Return Receipt for Merchandise  
☐ Insured Mail ☐ C.O.D.

## 4. Restricted Delivery? (Extra Fee)

☐ Yes

Ex. F p. 5



Sears Cardmember Services  
P.O. Box 6286  
Sioux Falls, SD 57117-6286

May 13, 2009

3067

RICHARD N ZEVALLOS  
1614 HARMON ST  
BERKELEY CA 94703-2622

Account Number:  
XXXX-XXXX-XXXX-1298



Dear RICHARD N ZEVALLOS:

We've received your inquiry concerning the disputed charge on your account from RITCHIE BROS. AUCTIONE for \$10000.00.

We're unable to recover the funds on this charge because you contacted us untimely.

If you have additional questions about your account, our Cardmember Service Representatives are available to assist you at the number below, 24 hours a day, seven days a week.

We appreciate your business and thank you for being a Sears Gold MasterCard Cardmember.

Sincerely,

Sears Cardmember Services  
1-800-669-8488

This account is issued by Citibank (South Dakota), N.A.  
FEDERAL REGULATIONS REQUIRE THE STATEMENT PRINTED ON THE REVERSE SIDE

0/LR/S44447/001/00/00/00/0000/00000000/F2009051300000958/3067

Ex. G

CITI  
PO BOX 6286  
SIOUX FALLS, SD 57117



July 5th, 2009

|||||

RICHARD N ZEVALLOS  
1614 HARMON ST  
BERKELEY CA 94703-2622

Sears Gold MasterCard  
ACCOUNT NUMBER:  
5121071775971298

BALANCE: \$11,236.57  
MINIMUM DUE: \$1,588.55

Dear RICHARD N ZEVALLOS:

Your Sears Gold MasterCard® account continues to be past due as of the date of this letter. Please send at least the Minimum Due payment of \$1,588.55 today.

To make an immediate payment, simply call 1-800-733-1116 with your checkbook available for reference. It is a fast, secure, and easy payment method without the delays associated with mailing your payment. We will ask you to authorize the checking account number and check number that you would like to use for payment. It will take only minutes and it will save you postage, time and money! If you prefer, you can mail your payment to the address below.

Citi Cards Payment Center  
P.O. Box 182149  
Columbus, OH 43218-2149

If you are mailing your payment, be sure to send it at least seven days before the due date on each statement. If you are unable to make your payment today or are experiencing financial difficulty, please call us toll free at the number shown below. We want to work with you to resolve this situation.

If your Minimum Due payment has already been sent, thank you.

Sincerely,

G. STEVENS  
VICE PRESIDENT CITICORP CREDIT SERVICES, INC. (USA)  
FEDERAL REGULATIONS REQUIRE THE STATEMENT PRINTED ON THE REVERSE SIDE

Toll Free Telephone Number: 1-800-733-1116  
TDD Number: 1-800-926-5818 (Hearing Impaired Only)

Any representative can assist you.  
Office Hours (Central Time):

Monday - Friday 8:00 a.m. to 8:00 p.m.  
Saturday - Sunday 8:00 a.m. to 4:00 p.m.

Send Correspondence to:  
Card Service Center  
P. O. Box 6275,  
Sioux Falls, SD 57117

P.S. Be sure to send your payment or call us today, toll free.

Enclosure

0/L7/SC8514/001/ZZ/SY/ZP/8000/SYSTEMB /S2009070510023060/2101

Ex. H